

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERNESTO VILLABLANCA, JR. and
GLORIA VILLABLANCA,
Plaintiffs,

No. 09-1187-SBA

ORDER

v.

[Docket No. 5]

WASHINGTON MUTUAL BANK, et
al.,
Defendants.

This matter is before the Court on Defendants' Motion to Dismiss, filed April 6, 2009. Plaintiffs filed and served a First Amended Complaint on May 19, 2009. The First Amended Complaint, having preceded any responsive pleading, is proper under Fed. R. Civ. P. 15(a) and effectively supersedes the prior complaint. For this reason, the Court HEREBY DENIES AS MOOT the defendants' motion to dismiss and VACATES the hearing on Defendants' motion, currently scheduled for June 9, 2009, at 1:00 p.m.

The Court's Standing Order No. 5 requires parties to meet and confer before filing any motion with this court, and to certify that they have complied with this requirement. Local Civil Rule 1-5(n) sets forth the definition of "meet and confer." The Court finds no record that defendants complied with this requirement prior to filing their motion. The purpose of the requirement is to promote judicial efficiency, economy and fairness by eliminating unnecessary motion practice and promoting the resolution of uncontested matters.

IT IS SO ORDERED.

Dated: 5/28/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

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